

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HAROLD KELLY MURPHY,

*

Plaintiff,

*

v.

*

Case No.: 3:06-cv-618-MEF

SOUTHERN ENERGY HOMES, INC.,

*

Defendants.

*

MOTION FOR LEAVE TO AMEND PREVIOUSLY FILED AMENDED ANSWER

Defendant, Southern Energy Homes, Inc. (“Southern Energy”), pursuant to Rule 15, F.R.C.P. and Local Rule 15.1, moves this Court to allow it to file the attached Amended Answer and, as grounds, therefore, states as follows:

1. On or about June 14, 2006, Harold Kelly Murphy (hereinafter referred to as “Plaintiff”) commenced the above-styled action against Southern Energy.
2. Southern Energy timely filed its answer.
3. Attached as Exhibit A hereto is Southern Energy’s proposed second amended answer. The second amended answer merely asserts one additional affirmative defense which is being asserted in light of Plaintiff’s responses to Defendant’s discovery.
4. Under Rule 15 of the Federal Rules of Civil Procedure, “leave shall be freely given when justice so requires.”
5. In the case at bar, Southern Energy should be allowed to amend its answer to assert the additional defense. This case has only been pending since June 14, 2006 and the parties are early in the discovery process. At this time, the parties have merely exchanged initial disclosures and other paper discovery, and no depositions have been taken.

6. Plaintiff has no objection to said Motion.

WHEREFORE, Southern Energy Homes, Inc. respectfully requests that this Court grant the instant Motion and allow it to amend its previously filed amended answer.

Respectfully submitted,

/s Mitchel H. Boles

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Lee H. Copeland (ASB-3461-O72L)

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Attorney for Southern Energy Homes, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of December, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Charles Lance Gould**
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/s Mitchel H. Boles
Of Counsel